**Mr. Deputy President:** The Advocate-General will be the Chairman of the Committee and the Committee has to report within one month.

## 2. The Cochin Agriculturist-Debtors' Protection Bill.

***Mr. K. M. Ibrahim** (*Cranganur*): Sir, I beg to move that the Cochin Agriculturist-Debtors' Protection Bill be read in Council. I have tried to make the Bill explanatory as far as possible and I request leave just to read the objects and reasons which will obviate any more explanation on my part:

"The long-term credit which the Cochin Land Mortgage Bank is intended to provide the agricultural debtors with is not a reality due to the rigours of security, insisted on by the Bank. Consequently most of the agriculturists of the State do not get existence. The provisions of this protection Bill cannot but be a consummation to the policy, involved in the establishment of the Land Mortgage Bank, in the promulgation of the Moratorium and Chief Court Circulars for agricultural relief, in the award of instalment-decrees by the courts and in the creation of the Debt Conciliation Board.

Similar legislation has been effected in Italy as early as 1931. In 1932 Switzerland copied the example of Italy. In Norway, Sweden, Denmark and many other European countries laws of this nature have been enacted.

The Government of Cochin have given an eloquent justification for ameliorative measures of this nature when on 2nd March, 1934, they admitted, "Owing to the precipitous fall of agricultural prices, debts incurred by the agriculturists five or more years ago on the security of their lands have now been increased by anything up to 300 per cent (Vide Proceedings of the Diwan dated 2nd March, 1934, L-6-3300/09). This Honourable House won the applause of the world by passing in February 1934, a Resolution reading "This Council recommends to the Government to formulate a scheme to scale down the agricultural debts in proportion to the fall in prices".

Another pillar on which this Bill supports itself is the famous statement, made by the Government in this House on the 3rd Dhanu 1107, according to which in about a decade the number of pattadars in a small village of the State, viz., Azhicode, fell from 457 to 350.

*Speech not corrected by the hon'ble member.

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On 2nd Meenam, 1110, the Government laid open a whole world of pathos in the House by stating that the number of decreed debts due from agriculturists that amounted to 6 times of the principal were 4; 4 times of the principal 65; 3 times of the principal 278; 2 times of the principal 914; 1½ times of the principal, 1419.

Under the conditions, indicated above, this Bill which gives but a sufficiently long time for the agricultural debtors to repay their debts can only rank as a master-piece of moderation and caution in the history of nations". The Bill consists only of one clause. I shall read the Bill also.

1. (1) This Act may be called the Cochin Agriculturist-debtors' Protection Act.

(2) It shall come into force at once throughout the whole of Cochin.

2. Notwithstanding anything contained in any law, the agriculturists of the State shall be given a minimum time of 30 years to repay their debts, subsisting at the time of the commencement of the Act". The words 'subsisting at the time of the commencement of the Act' was a verbal omission. I may be permitted, Mr. President, to add them now, because I do not want this Bill to apply to the future debts incurred by the agriculturists.

**Mr. Deputy President**: You can bring in those words by means of an amendment at the time of consideration.

**Mr. K. M. Ibrahim** (*Cranganur*): Sir, before having a full-dressed debate on this, I have tried to give the Hon'ble House sufficient indications of what I mean to say through the Bill and the statement of objects and reasons. It is almost agreed by both the parties, here, that this Bill may also be referred to the same Select Committee as the previous Bill. In these circumstances, I do not think that a full-dressed debate is essential. The Government also will, I hope, permit this Bill to go to the Select Committee.

**Mr. K. S. Panickar** (*Ezhuvas-Mukundapuram*): I second it.

**Mr. C. A. Kujunni Raja** (*Advocate-General*): Sir, Government has to oppose this Bill, being a highly revolutionary measure. The operative portion of the enactment is contained in section 2 of the Bill. In the construction of statutes, objects and reasons are generally ignored and it is only the

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Bill that has to be taken into account. Section 2 reads: "Notwithstanding anything, contained in any law, the agriculturists of the State shall be given a minimum time of 30 years to repay their debts"—The hon'ble member proposes to insert at the end the words—" Subsisting at the commencement of the Act." Some exceptions are provided in the proviso. What is meant by 'agriculturist' is defined in the explanation. What is proposed to be amended by section 2 is not very clear. Is it meant that for 30 years, no debt need be paid or is it meant that the debt has to be paid within a period of 30 years by several instalments ?

**Mr. K. M. Ibrahim** (*Cranganur*): It is obvious that there is nothing against voluntary payment.

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): True; but the Bill is to be enforced by courts and has to be definite in its provisions. It may mean that the debtor has not to pay for all the 30 years.

**Mr. K. M. Ibrahim** (*Cranganur*): It means that the courts should give 30 years' time for agriculturist-debtors to repay their debts.

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): Do you mean to say that for the first 29 years, the debt is not payable and the courts are not to enforce the payment ?

**Mr. K. M. Ibrahim** (*Cranganur*): There is nothing provided against voluntary payment. The intention is that they should not be forced to pay for 30 years.

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): Do you mean to say that debts should not be paid back for more than one generation. For the courts, to enforce the provisions, the section should be very clear. The mover himself has not given any indication as to what he means so that it is not possible to say what is meant by the section. If the idea is that for a period of 30 years, say for one generation, nothing need be paid, the Bill is unacceptable. Most of us will not survive to enjoy our money. If it is meant that the repayment is by instalment within 30 years then we will have to go into necessary details. Why should relief be given to rich persons who are in a position to pay and in how many instalments should the re-payment be made, all these things and several other details have to be considered. It seeks to destroy small creditors who may not come within the act. To refer to another difficulty if properties are assigned by debtors within the long time allowed by the Bill, creditors will not be in a position to take action. The Bill does

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not take into consideration the ability to pay the debt. There must be some provision to conserve properties of debtors. Even the one section is wanting in definiteness. These are the reasons which induce the Government to oppose this measure. Government have done, as acknowledged by the mover in his objects and reasons, all that can be done for the amelioration of the conditions of agriculturists.

**Mr. K. Ayyappan** (*Ezhuvas-Kanayannur*): Is it the view of the hon'ble Advocate General that this indicates that payments should be made only after 30 years?

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): What is stated there is not definite and unless definite provisions are made it will be difficult for courts to enforce the provisions of the Act.

**Mr. K. M. Ibrahim** (*Cranganur*): If the debtor is prepared to pay in 30 instalments, where is the difficulty?

**Mr K. Achyuta Menon** (*Diwan Peishkar*): Legal action can be taken against the debtor only after 29 years and 364 days. That is the effect of the Bill. That is one meaning. Then the other is that the debt should be paid in 30 equal instalments. The provision is not at all clear.

**Mr. K. Ayyappan** (*Ezhuvas-Kanayannur*): Are the Government prepared to accept this if that defect is removed and the provision is made clear?

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): That is another matter. As it is, we cannot accept the Bill.

**Mr. K. M. Ibrahim** (*Cranganur*): It is obvious from the section that the debt must be paid in 30 equal instalments.

**Mr. C. A. Kunjunni Raja** (*Advocate-General*): That is the hon'ble member's present inference. You have stated the other way a few minutes ago.

**Mr. K. M. Ibrahim** (*Cranganur*): I submit, Sir, that the Bill may be referred to a Select Committee. All the details can be considered there.

*The motion was put and lost.*

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**Mr. K. M. Ibrahim** (*Cranganur*): A poll, Sir.

**POLL.**

| *Ayes.* | *Noes.* |
|---|---|
| 1. Mr. K. Ayyappan. | 1. Mr. N. Govinda Pai. |
| 2. ,, A. Eachara Menon. | 2. ,, H. J. Walmesley. |
| 3. ,, A. V. Moothedan. | 3. ,, V. K. Kutty. |
| 4. ,, K. R. Viswambharan. | 4. ,, K. P. Vallon. |
| 5. ,, K. S. Panickar. | 5. ,, C. J. Luiz. |
| 6. ,, K. M. Ibrahim | 6. ,, N. V. Subbarayan Chetty. |
| 7. ,, M. L. Joseph. | 7. ,, M. K. Raman. |
| 8. ,, C. R. Iyyunni. | 8. ,, V. K. Aravindaksha Menon. |
| 9. ,, T. A. Ramachandra Ayyar. | 9. Rama Varmha Tampuran. |
| 10. ,, M. K. Devassy. | 10. Rao Sahib I. N. Menon. |
| 11. ,, K. Kochukunjan Kaimal. | 11. Mr. T. Narayana Menon. |
| 12. ,, C. Kunhan Nambudiripad. | 12. ,, K. V. Menon. |
| 13. ,, C. Ittiravi Nambudiripad. | 13. Dr. D. Raghavendra Rao. |
| 14. ,, T. V. Subramania Ayyar. | 14. Mr. C. A. Kunjunni Raja. |
| | 15. ,, P. J. George. |
| | 16. ,, K. Achyuta Menon. |
| | 17. ,, K. P. Kannan Nayar. |

**Mr. Deputy President:** The motion is lost, 14 for and 17 against.

## 3. The Cochin Removal of Civil Disabilities Bill.

* മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: മിസ്റ്റർ പ്രസിഡെണ്ട്, സർ, "The Cochin Removal of Civil Disabilities Bill" ഇപ്പോൾ വായിക്കുന്നതിനായി ഞാൻ അപേക്ഷിക്കുന്നു. ഈ ബില്ലിന്റെ മുഖവുരയിൽ നിന്നു വ്യക്തമാകുന്നതുപോലെ ഹിന്ദുസമുദായത്തിലെ ചില അവശതകളനുഭവിക്കുന്ന സമുദായക്കാർക്കു പൌരാവകാശം സ്ഥാപിക്കുന്നതിനു് അവർക്കു പലേ കാരണങ്ങൾകൊണ്ടും വന്നിട്ടുള്ള അവശതകൾ പരിഹരിക്കുന്നതിനു ഞാൻ ഈ ബിൽ കൊണ്ടു നിർദ്ദേശിക്കുന്നു. കൊച്ചി രാജ്യം ഒരു ഹിന്ദുമഹാരാജാവിനാൽ ഹിന്ദുശാസ്ത്രാനുസരണം ഭരിക്കപ്പെട്ടുന്ന ഒരു രാജ്യമാണെന്നു സാധാരണ പറഞ്ഞുകേട്ടിട്ടുണ്ടു്.

ഈ രാജ്യത്തിൽ ഒരു വലിയ ജനവിഭാഗം ഹിന്ദുധർമ്മത്തെ വിശ്വസിക്കുന്നവരും, ആ മതത്തിൽ അവരുടെ ആത്മീയമായ മുക്തിയുണ്ടെന്നു വിശ്വസിക്കുന്നവരുമാണു്. ഈ രാജ്യത്തിലെ ഹിന്ദുസമുദായങ്ങളിൽ ഭൂരിപക്ഷത്തിനും മതം സംബന്ധിച്ചു സ്വാതന്ത്ര്യമനുഭവിക്കുന്നതിനു നിവൃത്തിയില്ലെന്നു മാത്രമല്ല, സാധാരണ പൌരാവകാശങ്ങൾപോലും മറ്റാളുകൾക്കുള്ളതുപോലെ അനുഭവിച്ചുകൊടുക്കുന്നില്ലെന്നു പരമാർത്ഥം ഈ നിയമസഭയിൽ വെച്ചുതന്നെ പലതവണ പറഞ്ഞിട്ടുണ്ടു്. കൊച്ചിരാജ്യത്തിൽ ഒരു രാജകീയ വിളംബരം മൂലം അയിത്തത്തെ നിഷ്കാസനം ചെയ്യണമെന്നു് ഈ നിയമസഭയുടെ പലേ യോഗങ്ങളിലും ഇതിനെ സംബന്ധിച്ചു പ്രമേയങ്ങൾ ഭൂരിപക്ഷപ്രകാരം പാസ്സാക്കീട്ടുള്ളതും, ഈ മതം സംബന്ധിച്ചു അനാചാരങ്ങൾ ഈ രാജ്യത്തിൽ പാലിക്കാൻ ഒരു സമുദായക്കാരും അനുകൂലമല്ലെന്നു വ്യക്തമാക്കീട്ടുമുണ്ടു്.

* Speech not corrected by the hon'ble member.

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